

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :
: Chapter 7
BRITTNEY MICHELLE WATKINS, : Case No. 25-10264-lgb
: Debtor. :
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**MOTION TO SHORTEN TIME FOR HEARING ON EMERGENCY MOTION FOR
ALTERNATIVE SERVICE AND EXTENSION OF DEADLINES**

Jonathan Cornell (the "Movant"), a creditor and party in interest in the above-captioned case, hereby moves this Court pursuant to Federal Rules of Bankruptcy Procedure 9006(c) and 9007 for an order shortening time for a hearing on Movant's forthcoming Emergency Motion for Alternative Service and Extension of Time for Rule 2004 Examination (the "Emergency Motion"), and respectfully states as follows:

JURISDICTION

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.
2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

4. On February 11, 2025, Brittney Michelle Watkins (the "Debtor") filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.

5. On April 14, 2025, this Court entered an Order Granting Motion for Rule 2004 Examination [ECF No. 23] (the "Rule 2004 Order"), authorizing the examination of Brittney Michelle Watkins and Dominick Franklin White (together, the "Examinees").
6. On June 13, 2025, this Court entered an Order (I) Compelling Compliance with Order Granting Rule 2004 Examination and (II) Extending Deadlines to File Objections to Discharge and Motions to Dismiss [ECF No. 29] (the "Compliance Order"), which extended the deadline to conduct the Rule 2004 examinations to July 15, 2025.
7. On July 2, 2025, this Court entered a further Stipulation and Order Extending Time for Creditor Jonathan Cornell to Complete Rule 2004 Examination [ECF No. 30] (the "Extension Order"), which extended the deadline to conduct the Rule 2004 examinations to August 1, 2025.
8. On July 3, 2025, Movant conferred with Jeb Singer, counsel for Brittney Michelle Watkins, and the parties agreed to conduct the Rule 2004 examination on July 24, 2025.
9. On July 7, 2025, after coordinating with a professional process server, Movant issued subpoenas pursuant to Federal Rule of Civil Procedure 45 and Federal Rule of Bankruptcy Procedure 9016 to compel the attendance of the Examinees at the scheduled examination.
10. Despite multiple attempts, the process server has been unable to effectuate personal service on either Examinee, as more fully detailed in the process server logs which will be attached as an exhibit to the Emergency Motion.
11. Although Movant has also attempted service by certified mail and email, Federal Rule of Civil Procedure 45, incorporated by Bankruptcy Rule 9016, requires "delivering a copy to the named person" and does not explicitly permit certified mail as a means of service.

12. The Debtor testified at her Section 341 meeting of creditors that she currently resides at 2930 Wilson Ave, Bronx, NY, and the process server has observed mail and packages addressed to both Brittney Michelle Watkins and Dominick Franklin White at that address, suggesting that both Examinees reside at that location.

13. There is evidence suggesting that the Examinees are evading service, as certified mail has been refused, packages have been removed between service attempts, and occupancy of the residence has been observed.

RELIEF REQUESTED

16. Movant requests that this Court enter an order shortening the time for notice and scheduling an expedited hearing on Movant's forthcoming Emergency Motion, which will request: (a) authorization for alternative service methods for the Rule 2004 examination and any subsequent subpoenas; and (b) a brief extension of deadlines to conduct examinations and file objections to remain procedurally compliant with rules of this court.

BASIS FOR RELIEF

17. Bankruptcy Rule 9006(c)(1) provides that "when a rule, notice given under a rule, or court order requires or allows an act to be done within a specified time, the court may—for cause and with or without a motion or notice—reduce the time."

18. Local Bankruptcy Rule 9006-1(c) provides that all motion papers not covered by other specific time frames shall be served at least fourteen (14) days before the return date. However, the Court retains discretion to modify these periods.

19. Judge Beckerman's Chambers Rules provide that extensions requiring Court approval should be sought at least twenty-four (24) hours before the affected deadline, but recognize that circumstances may arise requiring more immediate attention.

20. Good cause exists for shortening time in this matter because:

- a. The deadline to complete the Rule 2004 examinations is August 1, 2025, leaving very limited time to resolve service issues and conduct the examinations;
- b. There is evidence suggesting that the Examinees are evading service;
- c. The Movant has made diligent efforts to comply with applicable rules regarding service of subpoenas;
- d. Without expedited relief, Movant will be prejudiced in his ability to complete the court-ordered examinations within the deadline while complying with procedural guidelines, potentially affecting his ability to prepare and file an adversary proceeding challenging the Debtor's discharge by the September 30, 2025 deadline established in the Compliance Order;
- e. Expedited consideration will not prejudice any party, as counsel for the Debtor is aware of the examination date and Dominick Franklin White has been unresponsive to any communications.
- f. Movant is proceeding in good faith to protect his procedural rights to conduct the court-ordered examinations adhering to all of this court's rules and procedures.

21. Absent expedited relief, Movant risks admissibility of valuable testimony and evidence that may be critical to his contemplated adversary proceeding under 11 U.S.C. §§ 523 and 727.

NOTICE

23. Notice of this Motion will be provided to: (i) the Debtor; (ii) Debtor's counsel; (iii) the Office of the United States Trustee; (iv) the Chapter 7 Trustee; and (v) all parties who have filed a notice of appearance in this case.

24. Movant submits that, in light of the nature of the relief requested, no other or further notice need be provided.

WHEREFORE, Movant respectfully requests that this Court enter an order: (i) shortening time for notice and scheduling an expedited hearing on Movant's forthcoming Emergency Motion; and (ii) granting such other and further relief as the Court deems just and proper.

Dated: July 15, 2025
Manhasset, New York

Respectfully submitted,



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